

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

19DEC13

ASSAULT (II)

CONTROL: 19APR13-MEDJ-0045-7GNA/C

(b)(6), (b)(7)(C)

COMMAND/COMBINED JOINT TASK FORCE HORN OF AFRICA/20700

MADE AT/MEDJ/DJIBOUTI - NCISRU/ (b)(6), (b)(7)(C) SUPERVISORY SPECIAL AGENT

## REFERENCE(S)

- (A) NCISRA Djibouti ROI (INTERIM)/10MAY13...(Contains Exhibits 1-47)
- (B) NCISRA Djibouti ROI (INTERIM)/22JUN13...(Contains Exhibit 48)
- (C) NCISRA Djibouti ROI (INTERIM)/20AUG13
- (D) NCISRA Djibouti ROI (INTERIM)/12OCT13
- (E) NCISRA Djibouti ROI (INTERIM)/03DEC13

## EXHIBIT(S)

- (49) IA: RESULTS OF CONTACT WITH SAC (b)(6), (b)(7)(C) 05DEC13
- (50) REPORT OF RESULTS OF TRIAL/12DEC13

## EXECUTIVE SUMMARY

On 19APR13, the Naval Criminal Investigative Service Resident Agency (NCISRA) Djibouti was notified by CAPT (b)(6), (b)(7)(C) Staff Judge Advocate (SJA), USN, Combined Joint Task Force, Horn of Africa (CJTF-HOA), Camp Lemonnier, Djibouti, (CLDJ) that (b)(6), (b)(7)(C) Army National Guard Kentucky (USANGKY), 2nd 138th Field Artillery Regiment, had shot a fellow soldier and was barricaded in his barracks room located on Forward Operating Location (FOL) Camp Simba, Manda Bay, Kenya. It was reported (b)(6), (b)(7)(C) had consumed a large quantity of alcohol after learning of his girlfriend's infidelity. After hours of drinking, (b)(6), (b)(7)(C) walked to the Camp Entry Control Point (ECP) where he armed himself with a handgun and returned to his room. Notified that (b)(6), (b)(7)(C) was armed, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USANGKY, mobilized the Quick Reaction Force (QRF) in response. (b)(6), (b)(7)(C) put on issued protective gear and posted up close to the exterior barracks door, out of sight of (b)(6), (b)(7)(C) who was inside his room. (b)(6), (b)(7)(C) fired at least one round through the wall striking (b)(6), (b)(7)(C) in his protective armor and causing a gunshot wound to his arm. Several hours later, (b)(6), (b)(7)(C) came out of the room and brandished his firearm. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, who was participating in the Camp response, fired two rounds at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) re-entered his barracks room and closed the door. At approximately 1921 hrs (b)(6), (b)(7)(C) USAR, was able to peacefully enter the barracks room and retrieve (b)(6), (b)(7)(C) weapon without further incident. (b)(6), (b)(7)(C) was subsequently treated for a gunshot wound to his right leg. Neither (b)(6), (b)(7)(C) nor (b)(6), (b)(7)(C) had life threatening injuries, and were

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medically evacuated by fixed wing aircraft to Camp Lemonnier Djibouti (CLDJ) for additional treatment. In response to the shooting, NCIS and the United States Army Criminal Investigation Command (CID) opened a joint investigation. (b)(6), (b)(7)(C) was placed in pre-trial confinement. On 10Jul13, an Article 32 hearing was conducted with the Article 32 Officer recommending a Bad Conduct Discharge (BCD) and no more than one year confinement. Based upon recommendations, Trial Counsel (TC) requested (b)(6), (b)(7)(C) proceed to a General Court Martial (GCM). On 05Aug13, NCISRA Djibouti received notification MG (b)(6), (b)(7)(C) USA, Commander, US AFRICOM, approved a trial by GCM. On 12Dec13, (b)(6), (b)(7)(C) was the subject of a GCM wherein he was found guilty of Article 92 (Failure to obey order or regulation), Article 121 (Larceny and wrongful appropriation) and Article 128 (Assault). (b)(6), (b)(7)(C) was sentenced to a Bad Conduct Discharge, 247 days confinement, forfeiture of all pay and allowances and reduction to E-1. This investigation is closed.

## NARRATIVE

1. This reactive investigation is being conducted pursuant to the suspected violation of Article 128 (Aggravated Assault) of the Uniform Code of Military Justice (UCMJ).

2. References (D) details all investigative activity to date. On 05Dec13, Reporting Agent (RA) made contact with (b)(6), (b)(7)(C) Special Agent In Charge (SAC), Army Criminal Investigation Division (CID), Stuttgart, Germany. SAC (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) fingerprint cards, photographs and CODIS DNA collection had been completed and submitted as appropriate. Exhibit (49) pertains.

3. On 19Dec13, (b)(6), (b)(7)(C) provided RA with a copy of (b)(6), (b)(7)(C) Department of Defense Report of Results of Trail. A review of the report revealed, on 12Dec13, (b)(6), (b)(7)(C) was the subject of a GCM wherein he was found guilty of Article 92 (Failure to obey order or regulation), Article 121 (Larceny and wrongful appropriation) and Article 128 (Assault). (b)(6), (b)(7)(C) was sentenced to a Bad Conduct Discharge, 247 days confinement, forfeiture of all pay and allowances and reduction to E-1. Exhibit (50) pertains.

4. On 20Dec13, CAPT (b)(6), (b)(7)(C) SJA, USN, CJTF-HOA, CLDJ was apprised of the status of this investigation. This investigation is closed.

## PARTICIPANTS

(b)(6), (b)(7)(C) SPECIAL AGENT IN CHARGE, USA CID, STUTTGART, GERMANY

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INFO :MEFO/002A

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED ONLY)

31DEC13

SEXUAL ASSAULT - ADULT (II)

CONTROL: 19DEC13-MEDJ-0134-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/CAMP LEMONNIER, DJIBOUTI/20700

MADE AT/MEDJ/DJIBOUTI - NCISRU (b)(6), (b)(7)(C) SUPERVISORY SPECIAL AGENT

## EXHIBIT(S)

- (1) IA: RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C), USN/20DEC13
- (2) IA: RESULTS OF REVIEW OF DOD SEXUAL ASSAULT FORENSIC EXAMINATION REPORT/19DEC13
- (3) IA: RESULTS OF CONTACT WITH (b)(6), (b)(7)(C) 19DEC13
- (4) IA: RESULTS OF CONTACT WITH (b)(6), (b)(7)(C) USN/26DEC13
- (5) IA: RESULTS OF CONTACT WITH (b)(6), (b)(7)(C) USA/27DEC13

## NARRATIVE

1. This reactive investigation was initiated regarding the report of an alleged sexual assault of (b)(6), (b)(7)(C) Civilian, by an unidentified person at an unidentified hotel located in Dubai, United Arab Emirates on 14Dec13. No US criminal statutes apply at this time.
2. On 19Dec13, NCISRA Djibouti was notified that (b)(6), (b)(7)(C) reported to (b)(6), (b)(7)(C) CDR, USN, Expeditionary Medical Facility (MEF), Camp Lemonnier, Djibouti, Africa, that he was possibly sexually assaulted at an unknown time on 14Dec13 while in Dubai, United Arab Emirates.
3. On 19Dec13, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) who related (b)(6), (b)(7)(C) stated while at a unknown hotel located in Dubai, he was at a bar having dinner with an unknown female sitting on his right and an unknown male sitting on his left. During the course of dinner, (b)(6), (b)(7)(C) stated he started to feel exhausted like he had not slept in days.
4. (b)(6), (b)(7)(C) explained (b)(6), (b)(7)(C) recalled remembering an unidentified person helping him to his room but was not aware if the individual was male or female. The next morning, (b)(6), (b)(7)(C) awoke to find cigarettes in his room and a stinging sensation (b)(6), (b)(7)(C)
5. (b)(6), (b)(7)(C) provided RA with (b)(6), (b)(7)(C)'s DOD Sexual Assault Forensic Examination Report and (b)(6), (b)(7)(C) Sexual Assault kit. (b)(6), (b)(7)(C) Sexual Assault Kit was subsequently placed into NCISRA Djibouti evidence for safekeeping under log #MEDJ-030-13 (Exhibit 1).
6. On 19Dec13, RA contacted a review of (b)(6), (b)(7)(C) DOD Sexual Assault Forensic Examination Report. The report revealed there were no findings of a sexual assault during (b)(6), (b)(7)(C) examination (Exhibit 2).

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31DEC13

7. On 19Dec13, RA made contact with (b)(6), (b)(7)(C) in reference to captioned investigation. (b)(6), (b)(7)(C) stated he did not want to participate with this investigation and would not provide any details in reference to his trip to Dubai on 14Dec13. On 20Dec13, (b)(6), (b)(7)(C) returned to NCISRA Djibouti and signed a Victim Preference Statement. Due to (b)(6), (b)(7)(C) decision to not participate in the investigative process, it is unknown if alcohol was a factor in this incident. RA provided (b)(6), (b)(7)(C) with a Victim Witness Pamphlet prior to him leaving (Exhibit 3).
8. On 26Dec13, RA interviewed (b)(6), (b)(7)(C) USN, Nurse, MEF, Camp Lemonnier, Djibouti, Africa. (b)(6), (b)(7)(C) explained she assisted (b)(6), (b)(7)(C) in conducting the sexual assault examination of (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C) she was in the room when (b)(6), (b)(7)(C) provided his account of what happen on 14Dec13 and provided no additional information (Exhibit 4).
9. On 27Dec13, RA made contact with (b)(6), (b)(7)(C) USA, Special Operation Command (SOC) Forward, Staff Judge Advocate, Camp Lemonnier, Djibouti, in reference to obtaining (b)(6), (b)(7)(C) Defense Travel System (DTS) itinerary for 14Dec13. According to (b)(6), (b)(7)(C) contact was made with SOC personnel, who related a request was made to the Army Criminal Investigation Division (CID) to assume control of captioned investigation and therefore the DTS request would not be granted (Exhibit 5).
10. Due to the pending assumption of this investigation by CID, the lack of any known suspects, and the fact that the location of the alleged incident is unknown, this investigation is closed.
11. (b)(6), (b)(7)(C) Sex Assault Kit and Forensic Examination Report will be transferred to CW4 (b)(6), (b)(7)(C) Commander, Field Investigative Unit, U. S. Army CID, 7701 Telegraph Road, Building #2591, Alexandria, VA, 22315, Office Number: (b)(6), (b)(7)(C)

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INFO :014C/MEFO/002A/U. S. Army CID, 7701 Telegraph Road,  
Building #2591, Alexandria, VA, 22315 (CW4 (b)(6), (b)(7)(C)  
Commander, Field Investigative Unit, Phone: (b)(6), (b)(7)(C)  
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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

13SEP13

SPECIAL INQUIRY (II)

CONTROL: 21AUG13-MEDJ-0095-8XNA/C

I/USA CID REQUEST FOR ASSISTANCE INVOLVING MISCONDUCT OF CJTF-HOA  
PERSONNEL DEPLOYED TO DIRE DAWA

COMMAND/COMBINED JOINT TASK FORCE HORN OF AFRICA/20700

MADE AT/MEDJ/DJIBOUTI - NCISRU/ (b)(6), (b)(7)(C) SPECIAL AGENT

## EXHIBIT(S)

- (1) RFA from USA CID/20Aug13
- (2) IA: Results of Medical Records Checks/23Aug13
- (3) IA: Receipt of Information from (b)(6), (b)(7)(C) USA/24Aug13
- (4) IA: Results of Contact with Personnel from the 775th Engineer Detachment/24Aug13
- (5) Receipt of Information from (b)(6), (b)(7)(C) USAF/26Aug13
- (6) IA: Receipt of Information from (b)(6), (b)(7)(C) USA/26Aug13
- (7) IA: Results of Contact with Personnel from CJTF-HOA J63 Directorate/27Aug13
- (8) IA: Results of Contact with (b)(6), (b)(7)(C) USA/28Aug13
- (9) IA: Results of Contact with (b)(6), (b)(7)(C) SA/29Aug13
- (10) IA: Results of Contact with (b)(6), (b)(7)(C) USA/29Aug13
- (11) Results of Contact with (b)(6), (b)(7)(C), USA/30Aug13
- (12) IA: Receipt of Information from (b)(6), (b)(7)(C), USA/30Aug13
- (13) IA: Receipt of Additional Information from (b)(6), (b)(7)(C) USA/31Aug13
- (14) IA: Results of Contact with (b)(6), (b)(7)(C) USA/31Aug13
- (15) IA: Receipt of Information from Camp Lemonnier Billeting Office/03Sep13
- (16) Memorandum for (b)(6), (b)(7)(C) 29Aug13
- (17) Sworn Statement of (b)(6), (b)(7)(C) /09Sep13

## EXECUTIVE SUMMARY

1. On 21Aug13, (b)(6), (b)(7)(C), USA, Assistant Special Agent in Charge, USA Criminal Investigations Division (CID), Stuttgart, Germany, requested assistance from NCISRA Djibouti (MEDJ) in obtaining additional phone, financial, training, and medical records of US Active Duty personnel involved their investigation. The aforementioned records are for personnel assigned to Combined Joint Task Force-Horn of Africa (CJTF-HOA), who are suspected of patronizing prostitutes while forward deployed to Dire Dawa, Ethiopia. The aforementioned personnel were listed as eight (8) active duty USA personnel assigned to the 775th Engineer Detachment and two (2) active duty US Air Force (USAF) personnel assigned to the CJTF-HOA J6

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Directorate. Subsequent to the aforementioned Request for Assistance (RFA), (b)(6), (b)(7)(C) USA, Special Agent in Charge, CID, provided an immunity letter for (b)(6), (b)(7)(C) USA, and requested an interview be conducted regarding the incident in Ethiopia. To date, MEDJ personnel have coordinated the RFA with the Staff Judge Advocate (SJA) for CJTF-HOA. Equipment records, room assignments, and contact rosters have been collected from CJTF-HOA personnel. Medical records requests submitted to the CLDJ SJA produced negative results. Interviews of USA and USAF personnel requesting financial waivers resulted in one waiver being signed by (b)(6), (b)(7)(C) USA. An interview of (b)(6), (b)(7)(C) resulted in his admission of patronizing prostitutes while in Ethiopia. Additionally, (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) USAF, patronized prostitutes during the aforementioned trip. (b)(6), (b)(7)(C) advised he did not observe anyone from the team solicit a prostitute or exchange money with a prostitute while in Ethiopia. All logical leads in this limited assistance investigation have been completed. This investigation is closed.

## NARRATIVE

1. This case was initiated as a limited assistance investigation to assist the USA CID regarding the suspected patronizing of prostitutes by CJTF-HOA personnel, while deployed to Dire Dawa, Ethiopia.
2. On 21Aug13, Reporting Agent (RA) received an RFA from CID requesting assistance in obtaining additional phone, financial, training, and medical records of personnel involved in their investigation. A copy of the RFA is attached as Exhibit (1).
3. On 22Aug13, RA requested assistance from LT (b)(6), (b)(7)(C) USN, SJA, CLDJ, regarding obtaining the medical records for individuals identified in the CID investigation. On 23Aug13 (b)(6), (b)(7)(C) advised that all medical records for the aforementioned individuals were negative, Exhibit (2) pertains.
4. On 24Aug13, RA received information from MSG (b)(6), (b)(7)(C) USA, regarding personnel assigned to the 775th Engineer Detachment, CJTF-HOA. The information included the USA personnel assigned to his unit and a contact roster, Exhibit (3) pertains.
5. On 24Aug13, RA met with personnel from the 775th Engineer Detachment involved in the CID investigation. The meeting was to discern who from the group would be willing to voluntarily sign a financial waiver of their respective accounts from 01May13 to 25Jul13. At the request of the group, a copy of the consent form was left with them for their consideration, Exhibit (4) pertains.
6. On 26Aug13, RA received information from SrA (b)(6), (b)(7)(C) USAF. The information details the communication equipment signed out by (b)(6), (b)(7)(C) USAF, on 28Jun13, Exhibit (5) pertains.
7. On 26Aug13, RA received information from SSG (b)(6), (b)(7)(C) USA. The information details electronic and communication equipment signed out by (b)(6), (b)(7)(C) USA, on 01Jun13, Exhibit (6) pertains.
8. On 27Aug13, RA met with personnel from CJTF-HOA J63 Directorate involved

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in the CID investigation. The meeting was to discern if (b)(6), (b)(7)(C) would be willing to voluntarily sign a financial waiver of their respective accounts from 01May13 to 25Jul13. During the meeting, both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) declined to sign the waiver, Exhibit (7) pertains.

9. On 28Aug13, RA was contacted by (b)(6), (b)(7)(C) via telephone. (b)(6), (b)(7)(C) reported he consulted with his attorney and declined to provide consent of his personal financial records, Exhibit (8) pertains.

10. On 29Aug13, RA was contacted by (b)(6), (b)(7)(C) via telephone. (b)(6), (b)(7)(C) reported he consulted with his attorney and declined to provide consent of his personal financial records, Exhibit (9) pertains.

11. On 29Aug13, RA made contact with (b)(6), (b)(7)(C) via telephone. During the call, (b)(6), (b)(7)(C) advised he had been in contact with (b)(6), (b)(7)(C) and all had declined to provide consent of their financial records, Exhibit (10) pertains.

12. On 30Aug13, RA was contacted by (b)(6), (b)(7)(C) regarding the current investigation. (b)(6), (b)(7)(C) voluntarily came into the office and signed consent waiver to allow access to his financial records, Exhibit (11) pertains.

13. On 30Aug13 and 31Aug13, RA received information from 1LT (b)(6), (b)(7)(C) USA. The information includes counseling records, mission rosters, hotel information, and training records that pertain to the current CID investigation, Exhibits (12) and (13) pertain.

14. On 31Aug13, RA was contacted by (b)(6), (b)(7)(C) regarding the current investigation. (b)(6), (b)(7)(C) voluntarily came into the office to discuss his consent to voluntarily signing a financial waiver. (b)(6), (b)(7)(C) reported he consulted with his attorney and declined to provide consent of this personal financial records, Exhibit (14) pertains.

15. On 03Sep13, RA received the current room assignments from the billeting office on Camp Lemonnier. The assignments reflect information on subjects involved in this investigation and their roommate, Exhibit (15) pertains.

16. On 03Sep13, RA received a memorandum for (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C). The memorandum was regarding a "Grant of Testimonial Immunity and Order to Testify". The memorandum ordered (b)(6), (b)(7)(C) to cooperate with the US Government in pretrial interviews regarding this investigation, Exhibit (16) pertains.

17. On 09Sep13, RA interviewed (b)(6), (b)(7)(C) regarding his knowledge and involvement in the patronizing of prostitutes while forward deployed to Dire Dawa, Ethiopia. During the interview, (b)(6), (b)(7)(C) consulted with his attorney via telephone on six different occasions. (b)(6), (b)(7)(C) provided a sworn statement in which he admitted to paying a prostitute for sex on two different occasions. Additionally, (b)(6), (b)(7)(C) provided information regarding (b)(6), (b)(7)(C) contact with a known prostitute, as well as statements made by (b)(6), (b)(7)(C) during the trip, Exhibit (17) pertains.

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18. On 11Sep13, RA provided CAPT (b)(6), (b)(7)(C) USN, SJA, CJTF-HOA, a copy of (b)(6), (b)(7)(C) statement. On 12Sep13, RA provided (b)(6), (b)(7)(C) copy of (b)(6), (b)(7)(C) statement and a brief of the results for lead tasking. All logical leads in this limited assistance investigation have been completed. This investigation is closed.

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